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**RESPOND TO SYRACUSE  
OFFICE**

October 5, 2009

Hon. David E. Peebles, US Magistrate Judge  
Federal Building & US Courthouse  
PO Box 7345  
Syracuse, NY 13261-7345

**RE: UNITED STATES OF AMERICA V. FLAY B. ROOD  
09-MJ-461 (DEP)**

Dear Judge Peebles:

This letter is to advise that the defendant, Flay B. Rood, by and through his attorney, Melissa A. Tuohey, Esq., Assistant Federal Public Defender, hereby waives his right to a preliminary hearing on the Criminal Complaint, dated September 28, 2009, pursuant to Federal Rules of Criminal Procedure, Rule 5.1(a)(1).

Very truly yours,  
OFFICE OF THE FEDERAL PUBLIC DEFENDER

By: S/Melissa A. Tuohey  
Melissa A. Tuohey, Esq.  
Assistant Federal Public Defender

MAT:vlb  
cc: Lisa Fletcher, Esq., AUSA